

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SMARTSKY NETWORKS, LLC, a)
Delaware limited liability company,)
)
)
Plaintiff,)
)
)
v.)
)
)
WIRELESS SYSTEMS SOLUTIONS,)
LLC, a North Carolina limited liability)
company; DAG WIRELESS LTD, an)
Israeli company; DAG WIRELESS)
USA, LLC, a North Carolina limited)
liability company; LASLO GROSS, a)
North Carolina resident; SUSAN)
GROSS, a North Carolina resident;)
DAVID D. GROSS, a resident of Israel,)
)
)
Defendants.)

No. 1:20-cv-00834-NCT-LPA

MOTION TO SEAL

Defendants Wireless Systems Solutions, LLC; Laslo Gross; and Susan Gross (the “Moving Defendants”), pursuant to Local Rule 5.4(c), move the Court for leave to file under seal the documents and portions of documents identified below that relate to the Moving Defendants’ Response in Opposition to Plaintiff’s Motion to Expedite Discovery. In support of this Motion, the Moving Defendants show the Court:

1. The Moving Defendants do *not* assert confidentiality over these documents and portions of documents. Rather, Plaintiff SmartSky Networks, LLC (“Plaintiff”) is the party asserting confidentiality and bears the burden of establishing grounds for sealing. Local Rule 5.4(c).

2. The Moving Defendants are filing the following exhibits under seal: a Verified Complaint in the Wake County Superior Court involving the same subject matter and overlapping parties (Exhibit 1); an arbitration Statement of Claims involving the same subject matter and overlapping parties (Exhibit 2); and a representative purchase order between the parties (Exhibit 3). These exhibits are relevant to Plaintiff's Motion to Expedite Discovery and are not filed unnecessarily in that they evince facts pertinent to the parties' contractual relationships and course of dealing. Additionally, Exhibits 1 and 2 demonstrate the pendency of related litigation bearing on the timing of Plaintiff's request for premature discovery.

3. The Moving Defendants additionally have redacted references in their Response in Opposition to Plaintiff's Motion for Expedited Discovery to a certain agreement between the parties over which Plaintiff claims confidentiality.

4. Counsel for the Moving Defendants have engaged in the consultation required by Local Rule 5.4(c)(1) by conferring with counsel for Plaintiff. Plaintiff persists in asserting confidentiality over the documents and portions of documents identified above.

5. Pursuant to Local Rule 5.4(c), Plaintiff will have 14 days from the filing of this Motion to Seal to file with the Court a brief providing the information outlined in Local Rule 5.4(b).

This the 2nd day of October 2020.

/s/ D.J. O'Brien III

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